

AMENDED IN SENATE JUNE 11, 2003
AMENDED IN ASSEMBLY MAY 15, 2003
AMENDED IN ASSEMBLY APRIL 29, 2003
AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1009

Introduced by Assembly Member Pavley
(Coauthor: Senator Kuehl)

February 20, 2003

~~An act to amend, add, and repeal Section 97 of the Streets and Highways Code, and to amend Section 627 of the Vehicle Code, relating~~
An act to add and repeal Section 97.3 of the Streets and Highways Code, and to amend Sections 627 and 22350 of, and to add and repeal Section 42010.3 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1009, as amended, Pavley. Vehicles: violations: engineering and traffic surveys.

(1) Existing law, until January 1, 2004, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as “Safety Enhancement-Double Fine Zones” and impose increased fines for traffic violations occurring within these zones.

This bill would require the department to develop a *similar* pilot project for a specified segment of the Pacific Coast Highway and, on

or before ~~December 31, 2004~~ *January 1, 2006*, report to the Legislature on the results of the pilot project. *The bill would make conforming changes in existing law.*

(2) Existing law defines an engineering and traffic survey to be a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation, and lists factors that must be included in a survey.

This bill would require the department to, in addition to the existing factors, consider other specified factors, when conducting an engineering and traffic survey for the segment of the Pacific Coast Highway within the ~~jurisdictional~~ city limits of the City of Malibu.

(3) *Existing law prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent, having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, or at a speed that endangers the safety of persons or property.*

This bill would require that, for purposes of this prohibition, a posted speed limit on the Pacific Coast Highway within the city limits of the City of Malibu that is justified by an engineering and traffic survey, as specified, is the highest speed that is “reasonable or prudent” for that portion of highway.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 97 of the Streets and Highways Code is~~
- 2 ~~amended to read:~~
- 3 ~~97. — (a) The department, in consultation with the Department~~
- 4 ~~of the California Highway Patrol, shall develop pilot projects in~~
- 5 ~~both northern and southern California. The portions of the~~
- 6 ~~highways involved in the projects shall be designated and~~
- 7 ~~identified as “Safety Enhancement Double Fine Zones” and shall~~
- 8 ~~be in the following locations:~~
- 9 ~~(1) On Route 37, between the intersection with Route 121 and~~
- 10 ~~the intersection with Route 29.~~
- 11 ~~(2) On Route 4, between the city limits of Brentwood and the~~
- 12 ~~Contra Costa San Joaquin county line.~~
- 13 ~~(3) On Route 74, at both of the following locations:~~

1 ~~(A) Between the intersection with Route 5 and the intersection~~
2 ~~with the Riverside Orange county line.~~

3 ~~(B) Between the junction with Route 15 and the intersection~~
4 ~~with Seventh Street in the City of Perris.~~

5 ~~(4) On Route 46, between the intersection with Route 101 and~~
6 ~~the junction with Route 41.~~

7 ~~(5) On the Golden Gate Bridge.~~

8 ~~(6) On Route 12, between the intersection with Walters Road~~
9 ~~in the City of Suisun and the intersection with Lower Sacramento~~
10 ~~Road in the City of Lodi.~~

11 ~~(7) On Route 138, between the intersection with Avenue T and~~
12 ~~Pearblossom Highway and the intersection with Interstate~~
13 ~~Highway Route 15.~~

14 ~~(8) On Route 101, at both of the following locations:~~

15 ~~(A) Between the intersection with Boronda Road and the~~
16 ~~intersection with the San Benito Monterey county line.~~

17 ~~(B) The five-mile segment between the Eureka Slough Bridge~~
18 ~~No. 4-22 to the Gannon Slough Bridge No. 4-24 in Areata.~~

19 ~~(9) On Route 152, between the junction with Route 156 at the~~
20 ~~Don Pacheco "Y" and the intersection with Ferguson Road.~~

21 ~~(10) On Route 2, between the city limits of La Canada~~
22 ~~Flintridge and the intersection with Route 39.~~

23 ~~(11) On the Pacific Coast Highway between the intersections~~
24 ~~of Topanga Canyon Boulevard and Decker Canyon Road.~~

25 ~~(b) (1) The department shall adopt rules and regulations~~
26 ~~prescribing uniform standards for warning signs to notify~~
27 ~~motorists that, pursuant to Section 42010 of the Vehicle Code,~~
28 ~~increased penalties apply for traffic violations that are committed~~
29 ~~within Safety Enhancement Double Fine Zones. The rules and~~
30 ~~regulations adopted by the department shall include, but not be~~
31 ~~limited to, a requirement that Safety Enhancement Double Fine~~
32 ~~Zones be identified with signs stating: "Special Safety Zone~~
33 ~~Begins Here" and "Special Safety Zone Ends Here."~~

34 ~~(2) The department or local authorities, with respect to~~
35 ~~highways under their respective jurisdictions, shall place and~~
36 ~~maintain the warning signs specified in paragraph (1) in areas~~
37 ~~designated under subdivision (a).~~

38 ~~(3) The department shall report to the Legislature on January~~
39 ~~1, 2003, on the results of these pilot projects with the exception of~~
40 ~~those described in paragraph (2), subparagraph (B) of paragraph~~

~~(8), and paragraph (11), of subdivision (a), including a determination of whether the projects were successful. In its report, the department shall update the January 1, 1998, report, and shall provide a detailed analysis on the impact of the pilot projects on highway safety, including, but not limited to, the number of accidents, traffic injuries, and fatalities in the project areas; and, in consultation with the Department of the California Highway Patrol, recommend specific criteria for designation of a highway as a Safety Enhancement Double Fine Zone. A determination that the projects were successful shall be based upon a showing that a statistically significant decrease in the number of accidents, traffic injuries, and fatalities has occurred in the project areas. The department shall report to the Legislature on or before January 1, 2004, on the results of the pilot projects described in paragraph (2) of, and subparagraph (B) of paragraph (8) of, subdivision (a). The department shall report to the Legislature on or before January 1, 2005, on the results of the pilot project described in paragraph (11) of subdivision (a).~~

~~(c) Designation of a highway as a Safety Enhancement Double Fine Zone does not increase the civil liability of the state under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.~~

~~(d) (1) Only the base fine shall be enhanced pursuant to this section.~~

~~(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.~~

~~(e) The pilot projects specified in subdivision (a) shall not be elevated in priority for state funding purposes.~~

~~(f) (1) Subject to paragraph (3), the County of Monterey, in consultation with the Department of the California Highway Patrol, shall establish and administer a Safety Enhancement Double Fine Zone pilot project that meets all of the requirements of this section on County Road 16 (also known as Carmel Valley Road) between the junction with Route 1 and the junction with Camp Stefani Road. The county shall assume all responsibilities that would otherwise accrue to the department for~~

~~the administration of a pilot project under this section and shall administer the pilot project in accordance with the rules and regulations adopted by the department for the administration of a Safety Enhancement Double Fine Zone.~~

~~(2) The county, in consultation with the California Highway Patrol, shall coordinate the evaluation of the Carmel Valley Road pilot project with the department to enable inclusion of that evaluation in the report submitted by the department to the Legislature under paragraph (3) of subdivision (b).~~

~~(3) (A) The county shall submit the evaluation described in paragraph (2) to the department on or before January 1, 2004.~~

~~(B) If the county fails to submit the evaluation on or before January 1, 2004, that failure shall result in the immediate termination of the Carmel Valley Road pilot project authorized in this subdivision.~~

~~(g) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2004, deletes or extends that date.~~

~~SEC. 2. Section 97 is added to the Streets and Highways Code, to read:~~

~~97.—~~

~~SECTION 1. Section 97.3 is added to the Streets and Highways Code, to read:~~

~~97.3. (a) The department, in consultation with the Department of the California Highway Patrol shall develop a pilot project on the Pacific Coast Highway between the intersection of Topanga Canyon Boulevard and Decker Canyon Road. That portion of the highway shall be designated and identified as a "Safety Enhancement-Double Fine Zone."~~

~~(b) (1) The department shall adopt rules and regulations prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for traffic violations that are committed within a Safety Enhancement Double Fine Zone. The rules and regulations adopted by the department shall include, but not be limited to, a requirement that a Safety Enhancement Double Fine Zone is identified with signs stating: "Special Safety Zone Begins Here" and "Special Safety Zone Ends Here."~~

~~(2) The department or local authorities, with respect to highways under their respective jurisdictions, shall place and maintain the warning signs specified in paragraph (1) in the area designated under subdivision (a).~~

~~(3) The department shall report to the Legislature on or before December 31, 2004, on the results of the pilot project. In its report, the department shall update the January 1, 1998, and the January 1, 2004, reports, and shall provide a detailed analysis on the~~

(b) (1) The department shall place and maintain warning signs to notify motorists that, under Section 42010.3 of the Vehicle Code, increased penalties apply for traffic violations that are committed within the Safety Enhancement-Double Fine Zone. The department shall identify the Safety Enhancement-Double Fine Zone with signs stating: "Special Safety Zone Begins Here" and "Special Safety Zone Ends Here."

(2) The department shall report to the Legislature on or before January 1, 2006, on the results of the pilot project. In its report, the department shall provide a detailed analysis on the impact of the pilot project on highway safety, including, but not limited to, the number of accidents, traffic injuries, and fatalities in the project area; and, in consultation with the Department of the California Highway Patrol, recommend specific criteria for designation of a highway as a Safety Enhancement-Double Fine Zone. A determination that the project was successful shall be based upon a showing that a statistically significant decrease in the number of accidents, traffic injuries, and fatalities has occurred in the project areas area.

(c) The designation of the highway as a Safety Enhancement-Double Fine Zone does not increase the civil liability of the state under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.

(d) (1) Only the base fine shall be enhanced pursuant to this section.

(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall may not be based on the amount of the enhanced fine imposed pursuant to this section.

(e) The pilot project specified in subdivision (a) ~~shall~~ may not be elevated in priority for state funding purposes.

~~(f) This section shall become operative on January 1, 2004, and~~

(f) *This section* shall remain in effect only until January 1, 2005 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005 2006, deletes or extends that date.

~~SEC. 3.—~~

SEC. 2. Section 627 of the Vehicle Code is amended to read:

627. (a) “Engineering and traffic survey,” as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.

(b) An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of all of the following:

(1) Prevailing speeds as determined by traffic engineering measurements.

(2) Accident records.

(3) Highway, traffic, and roadside conditions not readily apparent to the driver.

(c) When conducting an engineering and traffic survey, local authorities, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b) may consider all of the following:

(1) Residential density, if any of the following conditions exist on the particular portion of highway and the property contiguous thereto, other than a business district:

(A) Upon one side of the highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures.

(B) Upon both sides of the highway, collectively, within a distance of one-quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.

(C) The portion of highway is longer than one-quarter of a mile, but has the ratio of separate dwelling houses or business structures to the length of the highway described in either subparagraph (A) or (B).

(2) Pedestrian and bicyclist safety.

(d) When conducting an engineering and traffic survey for the Pacific Coast Highway within the jurisdictional city limits of the City of Malibu in Los Angeles County, the Department of Transportation, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b), ~~shall~~ may consider all of the following:

(1) Pedestrian and bicyclist safety.

(2) Visual and nonmotorized distractions.

(3) The presence and use of residential access, parking lots, and on-street parking.

(4) Frequency of left-hand turns or u-turns.

SEC. 3. Section 22350 of the Vehicle Code is amended to read:

22350. ~~No~~ (a) A person ~~shall~~ may not drive a vehicle upon a highway at a speed greater than is reasonable or prudent, having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, ~~and in no event~~ or at a speed ~~which~~ that endangers the safety of persons or property.

(b) *For the purposes of this section, a posted speed limit on the Pacific Coast Highway within the city limits of the City of Malibu that is justified by an engineering and traffic survey, as required under Section 22354 or 22356, is the highest speed that is “reasonable or prudent” for that portion of highway.*

SEC. 4. Section 42010.3 is added to the Vehicle Code, to read:

42010.3. (a) *For an offense specified in subdivision (b) that is committed by the driver of a vehicle within an area that has been designated as a Safety Enhancement-Double Fine Zone pursuant to subdivision (a) of Section 97.3 of the Streets and Highways Code, the fine, in a misdemeanor case, shall be double the amount otherwise prescribed, and, in an infraction case, the fine shall be one category higher than the penalty otherwise prescribed by the uniform traffic penalty schedule established pursuant to Section 40310.*

(b) *A violation of any of the following provisions is an offense that is subject to subdivision (a):*

(1) *Chapter 3 (commencing with Section 21650) of Division II, relating to driving, overtaking, and passing.*

(2) *Chapter 7 (commencing with Section 22348) of Division II, relating to speed limits.*

(3) *Section 23103, relating to reckless driving.*

1 (4) *Section 23104, relating to reckless driving which results in*
2 *bodily injury to another.*

3 (5) *Section 23109, relating to speed contests.*

4 (6) *Section 23152, relating to driving under the influence of*
5 *alcohol or a controlled substance, or a violation of Section 23103,*
6 *as specified in Section 23103.5, relating to alcohol-related*
7 *reckless driving.*

8 (7) *Section 23153, relating to driving under the influence of*
9 *alcohol or a controlled substance, which results in bodily injury to*
10 *another.*

11 (8) *Section 23220, relating to drinking while driving.*

12 (9) *Section 23221, relating to drinking in a motor vehicle while*
13 *on the highway.*

14 (10) *Section 23222, relating to driving while possessing an*
15 *open alcoholic beverage container.*

16 (11) *Section 23223, relating to being in a vehicle on the*
17 *highway while possessing an open alcoholic beverage container.*

18 (12) *Section 23224, relating to being a driver or passenger*
19 *under the age of 21 possessing an open alcoholic beverage*
20 *container.*

21 (13) *Section 23225, relating to being the owner or driver of a*
22 *vehicle in which there is an open alcoholic beverage container.*

23 (14) *Section 23226, relating to being a passenger in a vehicle*
24 *in which there is an open alcoholic beverage container.*

25 (c) *This section applies only when traffic controls or warning*
26 *signs have been placed pursuant to Section 97.3 of the Streets and*
27 *Highways Code.*

28 (d) (1) *Notwithstanding any other provision of law, the*
29 *enhanced fine imposed pursuant to this section shall be based only*
30 *on the base fine imposed for the underlying offense and may not*
31 *include any other enhancements imposed pursuant to law.*

32 (2) *Notwithstanding any other provision of law, any additional*
33 *penalty, forfeiture, or assessment imposed by any other statute*
34 *shall be based on the amount of the base fine before enhancement*
35 *or doubling and may not be based on the amount of the enhanced*
36 *fine imposed pursuant to this section.*

37 (e) *This section shall remain in effect only until January 1,*
38 *2006, and as of that date is repealed, unless a later enacted statute,*

- 1 *that is enacted on or before January 1, 2006, deletes or extends*
- 2 *that date.*

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